

REMARKS

Claims 1-9, 26-36, and 48-51 are pending. Claims 1 and 26 have been amended in this response. No claims have been canceled, and no new claims have been added. Claims 1-9, 26-36, and 48-51 will therefore be pending upon entry of the above amendments.

Claims 1-9, 26-36, and 48-51 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0048899 (the Marouiss application). Applicants respectfully submit that the pending claims, as amended herein, are patentably distinct from the Marouiss application for at least the following reasons.

Claim 1 has been amended in this response to recite, in part, wherein . . . the other of said substrate mount and said dispensing device . . . is further adapted for movement along an axis that is parallel to the z-axis so that a distance and an angle of orientation between said substrate mount and said dispensing device can be adjusted to maintain a parallel relationship between said surface of said substrate and said dispensing device. Applicants respectfully submit that amended claim 1 is patentably distinct from the Marouiss application because the Marouiss application neither teaches nor suggests these features.

Support for the amendment of claim 1 can be found in the original application at, for example, page 14, lines 3-6, which read the probes are linked by means of appropriate circuitry to a computer, which assists in adjusting the position and orientation of the dispensing device relative to the substrate mount to maintain a predetermined distance between the nozzles of the dispensing device and the surface of a substrate on the substrate mount; and page 14, lines 1720, which read the dispensing device . . . also moves vertically to permit adjustment of the distance between the nozzles of the dispensing device and the surface of the substrate mount.

The sample holder (3906) and the dispense manifold (3902) of the Marouiss application have been characterized in the office action as a substrate holder and a dispensing device, respectively, as recited in claim 1 of the present application (*office action at page 2, lines 8, 9*). Figures 38 and 39 of the Marouiss application, which depict the sample holder (3906) and the dispense manifold (3902), are reproduced below.

Fig. 38

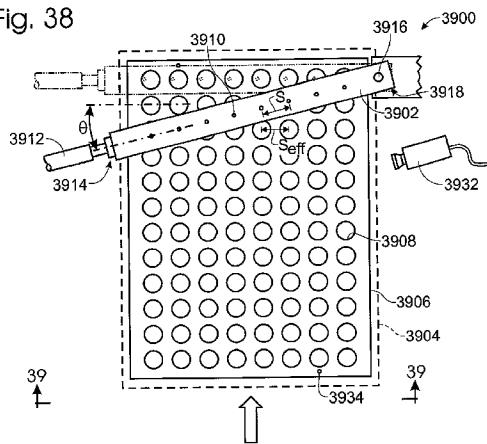
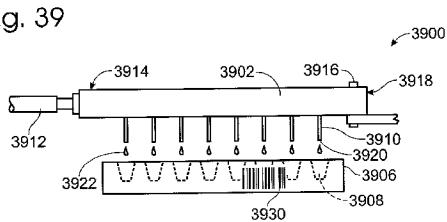


Fig. 39



As indicated by Figures 38 and 39 of the Marouiss application, neither the sample holder (3906) nor the dispense manifold (3902) is adapted for movement along an axis that is parallel to a z-axis, i.e., vertical movement from the perspective of Figure 39, so that a distance and an angle of orientation between the sample holder (3906) and the dispense manifold (3902) can be adjusted to maintain a parallel relationship between the upwardly-facing surface of the sample holder (3906) and the dispense manifold (3902). Rather, the dispense manifold (3902) rotates about a pivot

(3916). Figure 39 of the Marouiss application indicates that the dispense manifold (3902) and the upwardly-facing surface of the sample holder (3906) are maintained in a constant angular relationship (from the perspective of Figure 39) by the axis of the pivot (3916) as the dispense manifold (3902) pivots. Moreover, the dispense manifold (3902) is maintained at a constant vertical position in relation to the upwardly-facing surface of the sample holder (3906) as the dispense manifold (3902) pivots.

The office action include the following remarks: *Figure 39 [of the Marouiss application] clearly shows the sample holder (3906) as parallel to the dispensing manifold (3902). Additionally, Marouiss teaches in figure 38 relative movement of the dispense manifold (3902) to the holder (3906) to insure the two are parallel and the dispensing nozzles (3920) are properly aligned with the wells (3908)* (*office action at pg. 2, lines 16-20*).

In response to the above-referenced remarks, Applicants respectfully note that the Marouiss patent does not disclose any features that facilitate *adjustment* of the angle of orientation between the sample holder (3906) and the dispense manifold (3902). Rather, Figure 39 of the Marouiss patent indicates that the upwardly-facing surface of the sample holder (3906) and the dispense manifold (3902) are restrained in a constant parallel relationship.

Moreover, the pivoting movement of the dispense manifold (3902) in relation to the sample holder (3906) is used to achieve an effective separation distance between sample wells (3908) in the sample holder (3906) and dispense elements (3910) on the dispense manifold (3902) (*see paragraphs [0218] and [0219] of the Marouiss application*). The pivoting movement does not maintain a parallel relationship between the upwardly-facing surface of the sample holder (3906) and the dispense manifold (3902).

Applicants therefore respectfully submit that the Marouiss application neither teaches nor suggests a substrate mount or a dispensing device adapted for movement along an axis that is parallel to the z-axis so that a distance and an angle of orientation between said substrate mount and said dispensing device can be adjusted to maintain a parallel relationship between said surface of said substrate and said dispensing device, in contradistinction to amended claim 1 of the present application. Accordingly, withdrawal of the rejection of claim 1 (and claims 2-9, 48, and 50, which depend therefrom) under 35 U.S.C. § 102(b) is respectfully requested.

Claim 26, as discussed above, has been rejected under 35 U.S.C. § 102(b) as being anticipated by the Marouiss application. Claim 26 has been amended herein to recite, in part, positioning said dispensing system along a z-axis . . . to adjust a distance and an angle of orientation of said dispensing system in relation to said substrate to maintain a parallel relationship between said surface of said substrate and said dispensing device. Applicants respectfully submit that amended claim 26 is patentably distinct from the Marouiss application because the Marouiss application neither teaches nor suggests this element.

Support for the amendment of claim 26 can be found in the original application at, for example, the passages identified above in relation to the amendment of claim 1.

The dispense manifold (3902) of the Marouiss application cannot be positioned along a z axis so that a distance and an angle of orientation between the sample holder (3906) and the dispense manifold (3902) can be adjusted to maintain a parallel relationship between the sample holder (3906) and the dispense manifold (3902), as discussed above in relation to claim 1.

Applicants therefore respectfully submit that the Marouiss patent neither teaches nor suggests adjusting an angle of orientation of a dispensing system in relation to a substrate to maintain a parallel relationship between a surface of the substrate and the dispensing device, in

contradistinction to amended claim 26 of the present application. Accordingly, withdrawal of the rejection of claim 26 (and claims 27-36, 49, and 51, which depend therefrom) under 35 U.S.C. § 102(b) is respectfully requested.

A notice of allowability is respectfully requested.

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/Frank T. Carroll/

Frank T. Carroll
Attorney for Applicant
Registration No.: 42,392

SYNNESTVEDT & LECHNER LLP
1101 MARKET STREET
26TH FLOOR
PHILADELPHIA PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2189